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**\*E-FILED - 12/20/07\***

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

VICTOR SIMILEYSKY,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of U.S.  
 Department of Homeland Security;  
 EMILIO T. GONZALEZ, Director of  
 U.S. Citizenship and Immigration Services;  
 GERARD HEINAUER, District Director,  
 Nebraska Service Center, U.S. Citizenship  
 and Immigration Services;  
 CHRISTINA POULOS, Director,  
 California Service Center, U.S. Citizenship  
 and Immigration Services;  
 PETER D. KEISLER, Acting U.S. Attorney  
 General, U.S. Department of Justice;  
 ROBERT S. MUELLER, III, Director of  
 Federal Bureau of Investigation,

Defendants.

No. C 07-5833 RMW

**STIPULATION TO DISMISS; AND  
 [PROPOSED] ORDER**

Plaintiff, appearing *pro se*, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice in light of the adjudication of Plaintiff and his family's adjustment of status applications (Form I-485).

Each of the parties shall bear their own costs and fees.

1 Dated: December 7, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS  
3 United States Attorney

4  
5 /s/  
6 ILA C. DEISS  
7 Assistant United States Attorney  
8 Attorney for Defendants

9 Dated: December 7, 2007

10 /s/  
11 VICTOR SIMILEYSKY  
12 *Pro se*

13 **ORDER**

14 Pursuant to stipulation, IT IS SO ORDERED.

15 Date: 12/20/07

16 *Ronald M. Whyte*  
17 RONALD M. WHYTE  
18 United States District Judge  
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